

Investigation of alleged breaches of the Electricity Industry Participation Code 2010 by Transpower New Zealand Limited as the grid owner

On 31 May 2018, Transpower New Zealand Limited as the grid owner self-reported to the Electricity Authority (Authority) that it had breached clause 3.2.3 of the Outage Protocol. The Authority also alleged that the grid owner had breached clause 12.151(1) of the Electricity Industry Participation Code 2010 (Code).

Under regulation 12 of the Electricity Industry (Enforcement) Regulations 2010, on 7 August 2019, the Authority appointed Peter Wakefield, on a temporary basis, as investigator to investigate the alleged breaches.

Under regulation 16 of the Regulations, the investigator must promptly notify the industry participant alleged to have breached the Code of the allegations that are being investigated. On 14 August 2019, the investigator gave the grid owner such notice.

Under regulation 17 of the Regulations, at the same time as the investigator sends any notice under regulation 16, the investigator must publicise the matter under investigation, including the content of the notice given under that regulation. The investigator is hereby publicising the matter under investigation, and a copy of the notice given under regulation 16 is attached.

Any participant who considers that it is affected by the matter being investigated, and who wishes to become a party to this investigation, should notify the investigator within 10 working days after publication of this notice.

The investigator's contact details are:

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Senior Investigator
Electricity Authority
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NOTICE UNDER REGULATION 16 OF THE ELECTRICITY INDUSTRY (ENFORCEMENT) REGULATIONS 2010

Date:	14 August 2019
Addressee:	Transpower New Zealand Limited as the grid owner
Subject:	The grid owner did not publish the proposed outage plan by 31 January 2019
Investigator:	Peter Wakefield, Senior Investigator, peter.wakefield@ea.govt.nz (appointed investigator under regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations))
Notifying industry participant:	Transpower New Zealand Limited as the grid owner and the Electricity Authority (Authority)
Clauses allegedly breached:	<p>Clause 12.151 requires Transpower to comply with the Outage Protocol. The Authority alleged this breach.</p> <p>Clause 3.2.3 of Outage Protocol requires Transpower to publish, on or before 31 January in each year, the proposed outage plan for the next outage plan year. Transpower self-reported this breach.</p>
Circumstances of alleged breaches:	<p>For the 2019/20 annual outage plan, covering the period 1 July 2019 to 30 June 2020, Transpower completed its proposed outage plan by 31 January 2019, but did not publish it.</p> <p>The grid owner only provided the proposed outage plan to participants that were registered as interested participants in accordance with clause 2.4 of the Outage Protocol and to designated transmission customers. The grid owner provided the information either before 31 January 2019 or during the consultation period on the proposed plan.</p> <p>The Authority considers participants did not have equal access to the information, because grid owner did not publish the proposed outage plan.</p>
Date of alleged breaches:	<ul style="list-style-type: none">31 January 2019
<i>Please note, under regulation 16 of the Regulations, you must respond to this allegation, in writing, to the investigator within 10 working days of receipt of this notice (unless the</i>	

investigator allows, in writing, a longer period).

Please provide your response by return email to the Investigator.

Your response should include:

Whether you believe you have breached the Code;

Whether there is another provision you consider more accurately describes the nature of the event;

A full explanation of the circumstances surrounding the alleged breaches;

Identification of any information provided in your response that you consider confidential and should not be included in the investigator's report under regulation 19 (regulation 15(2)).